

Message Text

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PAGE 01 STATE 170187
ORIGIN SNM-05

INFO OCT-01 AF-10 ARA-14 EA-12 EUR-12 NEA-10 L-03
ISO-00 PPTE-00 CA-01 DEAE-00 /068 R

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APPROVED BY S/NM: M FALCO
EA/TIMBS: DLFIELD, JR
EUR/WE: EJBEIGEL
ARA/RPP: EPERREAULT
NEA/RA: SHOLLY (SUBS)
AF/I: LSHURTLEFF
CA/PPT/LE: MR HEDLEY (INFO)
CA/PPT: FGRANDO (INFO)
CA/SCA: DLILES (INFO)

-----032470 061723Z /66

R 061446Z JUL 78
FM SECSTATE WASHDC
TO ALL DIPLOMATIC POSTS
AMCONSUL BELIZE
AMCONSUL CURACAO
AMCONSUL HAMILTON
AMCONSUL MARTINIQUE

UNCLAS STATE 170187

E.O. 11652: N/A

TAGS: SNAR

SUBJECT: NARCOTICS LAWS

1. NO COMPREHENSIVE REPORT ON NARCOTICS LAWS WORLD-WIDE IS CURRENTLY AVAILABLE. SCA, PPT, AND S/NM DEEM A COMPI-
LATION OF SUCH LAWS WOULD BE VALUABLE NOT ONLY TO THE DE-
PARTMENT BUT ALSO TO AMERICAN CITIZENS TRAVELLING ABROAD.
ACTION REQUESTED: IT IS REQUESTED THAT POSTS SUBMIT A RE-
UNCLASSIFIED

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PAGE 02 STATE 170187

PORT ON THESE LAWS TO DEPARTMENT AS SOON AS POSSIBLE.

2. SPECIFICALLY THE REPORT SHOULD INCLUDE: (1) POSSESSION:
A) IS THERE A DIFFERENTIATION MADE IN THE LAW FOR POSSESSION
OF VARIOUS NARCOTICS; I.E., MARIJUANA, COCAINE (INCLUDING
PASTE, LEAVES, ETC.), HEROIN, OR OTHER CONTROLLED SUBSTANCES
(I.E., SYNTHETIC DRUGS, LIKE AMPHETAMINES AND BARBITURATES)?

IF SO, INDICATE PENALTIES FOR EACH CLASSIFICATION. (B) IS THERE A QUALIFYING AMOUNT TO BE IN POSSESSION FOR OPERATION OF THE OFFENSE--EITHER SPECIFIED BY LAW, REGULATION OR ENFORCEMENT PRACTICE? IF SO, PLEASE INDICATE. C) ARE PENALTIES FOR POSSESSION: (1) AS SEVERE AS OTHER NARCOTICS OFFENSES; (2) LESS SEVERE AS OTHER NARCOTICS OFFENSES; (3) WITHIN DISCRETION OF LAW ENFORCEMENT OR JUDICIAL AGENCIES? PLEASE PROVIDE DETAILS.

(2) TRAFFICKING: A) DOES LAW CONSOLIDATE ALL CONTROLLED SUBSTANCES INTO A GENERAL TRAFFICKING OFFENSE OR INTO SEPARATE OFFENSES TIED TO PARTICULAR SUBSTANCE? PLEASE SPECIFY. B) ARE THERE MAXIMUM AND MINIMUM PENALTIES, MANDATORY SENTENCING REQUIREMENTS, SPECIAL PROVISIONAL LIBERTY (BAIL OR PAROLE) PROVISIONS, ETC.? PLEASE DESCRIBE. C) WHAT ARE THE ELEMENTS OF THE OFFENSE; I.E., AMOUNT IN POSSESSION TO CONSTITUTE TRAFFICKING (ABOVE MERE POSSESSION), INTENT TO TRAFFIC, ASSOCIATION WITH TRAFFICKERS OR PRODUCERS, ETC.? PLEASE SPECIFY. D) IS THERE A CRIMINAL OFFENSE RELATING TO CONSPIRACY TO TRAFFIC, IMPORT OR EXPORT (NARCOTIC DRUGS)?

(3) CULTIVATION, PRODUCTION, ELABORATION: A) IS THE CULTIVATION OF (I) CANNABIS (MARIJUANA), (II) COCA AND/OR (III) OPIUM POPPY (BUSH OR LEAVES) PROHIBITED BY LAW? IF SO, PLEASE GIVE DETAILS, INCLUDING PENALTIES. B) IF LEGAL UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 170187

TO CULTIVATE, ARE THERE LIMITATIONS ON PRODUCTION, SALE, DISTRIBUTION, ETC.? IF SO, PLEASE DESCRIBE, INCLUDING METHODS OF CONTROL. C) ARE THERE PENALTIES FOR ELABORATING NARCOTICS SUBSTANCES FROM CANNABIS, COCA AND/OR OPIUM POPPIES? PLEASE DESCRIBE.

(4) FINANCIAL: A) IS THERE AN OFFENSE RELATING TO FINANCIAL SUPPORT FOR CULTIVATION, ELABORATION OR TRAFFICKING IN NARCOTICS? IF SO, PLEASE DESCRIBE. IF NO PROHIBITION BY LAW, IS THERE CONCERN FOR THIS ASPECT OF THE DRUG PROBLEM? B) ARE THERE CURRENCY CONTROL LAWS ON EXPORT OF CURRENCY, FOREIGN BANK ACCOUNTS, ETC.? PLEASE GIVE DETAILS.

(5) CRIMINAL PROCEDURE: A) IS THERE A PERIOD OF INVESTIGATIVE DETENTION IN THE LAW? IF SO, HOW LONG (IN LAW AND PRACTICE) AND IS CONSULAR ACCESS PERMITTED DURING THIS PERIOD? IS EMBASSY (CONSUL) NOTIFIED OF ARREST DURING THIS PERIOD? B) WHAT IS CUSTOMARY LENGTH OF PRE-TRIAL DETENTION? C) WHAT IS AVERAGE LENGTH OF THE TRIAL PROCESS? PLEASE INDICATE USUAL LENGTH OF (I) TRIAL, (II) REVIEW/CONFIRMATION PROCEEDING, AND (III) APPELLATE PROCESS. D) IS

LEGAL COUNSEL AVAILABLE AT NO COST TO DEFENDANT (PUBLIC DEFENDER)? IF NOT, ARE THERE ADEQUATE LAWYERS TO TAKE NARCOTIC CASES AND WHAT IS USUAL FEE? E) IS THERE A PROVISION FOR PAROLE (CONDITIONAL LIBERTY)? IF SO, PLEASE GIVE DETAILS. F) IS IT CUSTOMARY TO EXPEL MINOR OFFENDERS, POSSESSORS OF SMALL AMOUNTS OF NARCOTICS, ETC.? PLEASE DESCRIBE PRACTICE.

3. ARA POSTS: WOULD APPRECIATE REPLY BY 23 JULY. VANCE

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